

APPEAL NO. 022211
FILED OCTOBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 24, 2002, with the record closing on August 9, 2002. The hearing officer determined that (DI) was the employer of respondent 2 (claimant) for purposes of the Workers' Compensation Act on the date of the claimed injury, and that appellant (carrier 1) provided coverage for DI on the date of injury. Carrier 1 contends on appeal that the evidence does not support these determinations. Respondent 2 (carrier 2) urges affirmance. The appeal file contains no response from claimant.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could determine from the evidence that on the date of the claimed injury, DI, doing business as (AM), was the claimant's employer and that carrier 1 provided workers' compensation coverage to DI. The hearing officer could determine from the evidence that as of the date of injury, the purchase agreement had not been signed and (PS) was not yet doing business as AM and so had not yet become claimant's employer. Therefore, the coverage that PS had with carrier 2 did not apply to make carrier 2 liable for benefits for claimant's injury. The hearing officer correctly made his determinations based on the evidence in the record and not based on argument or conjecture. See Texas Workers' Compensation Commission Appeal No. 94062, decided March 1, 1994. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier (appellant) is **TEXAS BUILDERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT SIDDONS
11612 RM 2244, BUILDING 1, SUITE 200
AUSTIN, TEXAS 78733.**

The true corporate name of the insurance carrier (respondent 1) is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge